



UNITED STATES PATENT AND TRADEMARK OFFICE

MN
UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

09/938,447

08/24/2001

Martin Kiesel

2000 P 23302 US

2223

7470

7590

06/27/2007

WHITE & CASE LLP

PATENT DEPARTMENT

1155 AVENUE OF THE AMERICAS

NEW YORK, NY 10036

EXAMINER

TRUONG, CAMQUY

ART UNIT

PAPER NUMBER

2195

MAIL DATE

DELIVERY MODE

06/27/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/938,447	Applicant(s) KIESEL ET AL.	
	Examiner Camquy Truong	Art Unit 2195	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 4/9/07.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-20 are presented for examination.
2. It is noted that although the present application does contain line numbers in the specification and claims, the line numbers in the claims do not correspond to the preferred format. The preferred format is to number each line of every claim, with each claim beginning with line 1. For ease of reference by both the examiner and Applicant all future correspondence should include the recommended line numbering.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 3-8, 10-11, 13-14, 18 and 20 are rejected under 35 U.S.C. 102(e) as being unpatentable over Ahrens et al. (U.S. Patent 6,968,302 B1).
4. Ahrens was cited in the last office action.

5. As to claim 1, Ahrens teaches the invention substantially as claimed including: an apparatus for a control device for providing multimedia monitoring and control of a remote machine comprising:

a processor (computer 32, Fig. 2; col. 5, lines 3-6) for:

processing of control data and communication of said data from said remote machine (col. 5, lines 6-12; col.6, lines 11-13); and

processing of multimedia information regarding a monitored status of the remote machine (col. 5, lines 13-25; col. 8, lines 9-13); and

A multimedia connection coupled to said processors providing a multimedia transmission connection to the remote machine (the computer 32 connected to a video camera, col.4, lines 22-26), and transmitting said multimedia information regarding a monitored status of the remote machine (col. 4, lines 30-38; col. 8, lines 9-13).

6. As to claims 3 and 13, Ahrens teaches a visualization device that generates visualization information regarding the status of the remote machine (col. 4, lines 30-38; col. 8, lines 9-13).

7. As to claims 4 and 14, Ahrens teaches an augmented reality device that generates the multimedia information from one or more senses of a user in the vicinity of the remote machine (Fig. 2; col. 4, lines 30-38; col. 8, lines 9-13).

8. As to claim 5, Ahrens teaches the multimedia connection is bi-directional (col. 3, lines 56-62; col. 8, lines 15-18).

9. As to claim 6, Ahrens teaches trace functionality transferred over the telecommunication link for real-time transmission of multimedia data connection (col. 8, lines 9-13).

10. As to claim 7, Ahrens teaches a data-processing device coupled remotely with said machine for controlling the processing of the multimedia information (Fig. 2; col. 1, line 63 – col. 2, line 10).

11. As to claims 8 and 18, Ahrens teaches data-processing device encompasses multiple data-processing units which have communication connections to one another and which each have a telecommunication connection for real-time transfer of multimedia information to the control device (Fig. 2; col. 4, line 13-38).

12. As to claims 10 and 20, Ahrens teaches the communication between the respective components is carried out over the internet (col. 4, lines 18-26).

13. As to claim 11, it is rejected for the same reason as claim 1. In addition, Ahrens teaches processing information generated by the monitored remote machine (col. 5, lines 6-12; col.6, lines 11-13);

Generating multimedia information regarding a monitored status of the remote machine (col. 4, lines 27-38; col. 5, lines 13-25; col. 8, lines 9-13).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. Claims 2, 9, 12, 15-17 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ahrens et al. (U.S. Patent 6,968,302 B1) in view of Widegren et al (U.S. 6,374,112 B1).

15. Widegren was cited in the last office action.

16. As to claims 2, 9, 12, 15-16 and 19, Ahrens does not explicitly teach the processor enables a UMTS connection. However, Widegren teaches the processor enables a UMTS connection (col.5, lines 29-31).

17. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of the Ahrens and Widegren because

Art Unit: 2195

Widegren's UMTS connection would increase the flexibility of Ahrens' system by providing a wide variety of mobile communications services and resources to support those services.

18. As to claim 17, Ahrens teaches remotely processing the multimedia information (col. 5, lines 13-25; col. 8, lines 9-13).

Response to the argument

19. Applicant arguments filed on 4/9/07 had been considered but they are not persuasive. In the remarks applicant argued (1) there is absolutely nothing in the portions of Ahrens cited by the Examiner, or elsewhere in the document, to suggest that the computer executes any processing of the test data. (2) a video camera is not a processor as claimed and a display panel is not processing multimedia information. (3) a video camera and the that merely records a display panel of an oscilloscope is not generating multimedia information as claimed. (4) Ahrens does not teach augmented reality device. (5) no such disclosure can be found in Ahrens trace functionality. (5) Ahrens does not disclose multiple data-processing units that transfer multimedia information in real-time. (6) Widegren has nothing to do with testing a device in general and control of such a test. Therefore, such a combination could only be arrived at impermissible hindsight.

20. Examiner respectfully traverses Applicant's remarks:

As to point (1), the computer executes any processing of the test data is not disclosed in claim language. However, Ahrens teaches when the transmitted video image as viewed at the call center (processor) indicates that the connection is improper, a call can be made to the test site to fix the improper connection (processing the controlled data) (col. 8, line 66 – col. 9, line 2).

As to point (2), Ahrens teaches when the transmitted video image (multimedia data) as viewed at the call center (processor) indicates that the connection is improper; a call can be made to the test site to fix the improper connection (processing the multimedia data) (col. 8, line 66 – col. 9, line 2).

As to point (3), Ahrens teaches producing a video image of the connection (col. 8, lines 7-8).

As to point (4), Ahrens teaches directing camera on the connection, producing a video image to the connection (col. 8, lines 7-8).

As to point (5), Ahrens teaches the combination of the analysis probe and the test and measurement device permits the user to both control and trace processor activity on the device under test (col. 3, lines 63-65).

As to point (6), In response to applicant's argument Applicant argued that combination could only be arrived at impermissible hindsight. See *In re fine*, 837 F.2d 1071, 5

USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, both Ahrens and Widegren teach transfer data from one computer to another computer. Thus, It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of the Aiken and Widegren because Widegren's UMTS connection would increase the flexibility of Aiken's system by providing a wide variety of mobile communications services and resources to support those services and in particularly, improves the capacity of UMTS communication technology for voice and data.

21. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Conclusion


22. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Camquy Truong whose telephone number is (571) 272-3773. The examiner can normally be reached on 8AM – 5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on 571-272-3756. The fax phone number for the organization where this application or proceeding is assigned is 571-273-3756.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIP. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIP system, contact the Electronic Business Center (EBC) at 866-217-9197(toll-free).

Camquy Truong

June 14, 2007


MENG-AI T. AN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

1/6

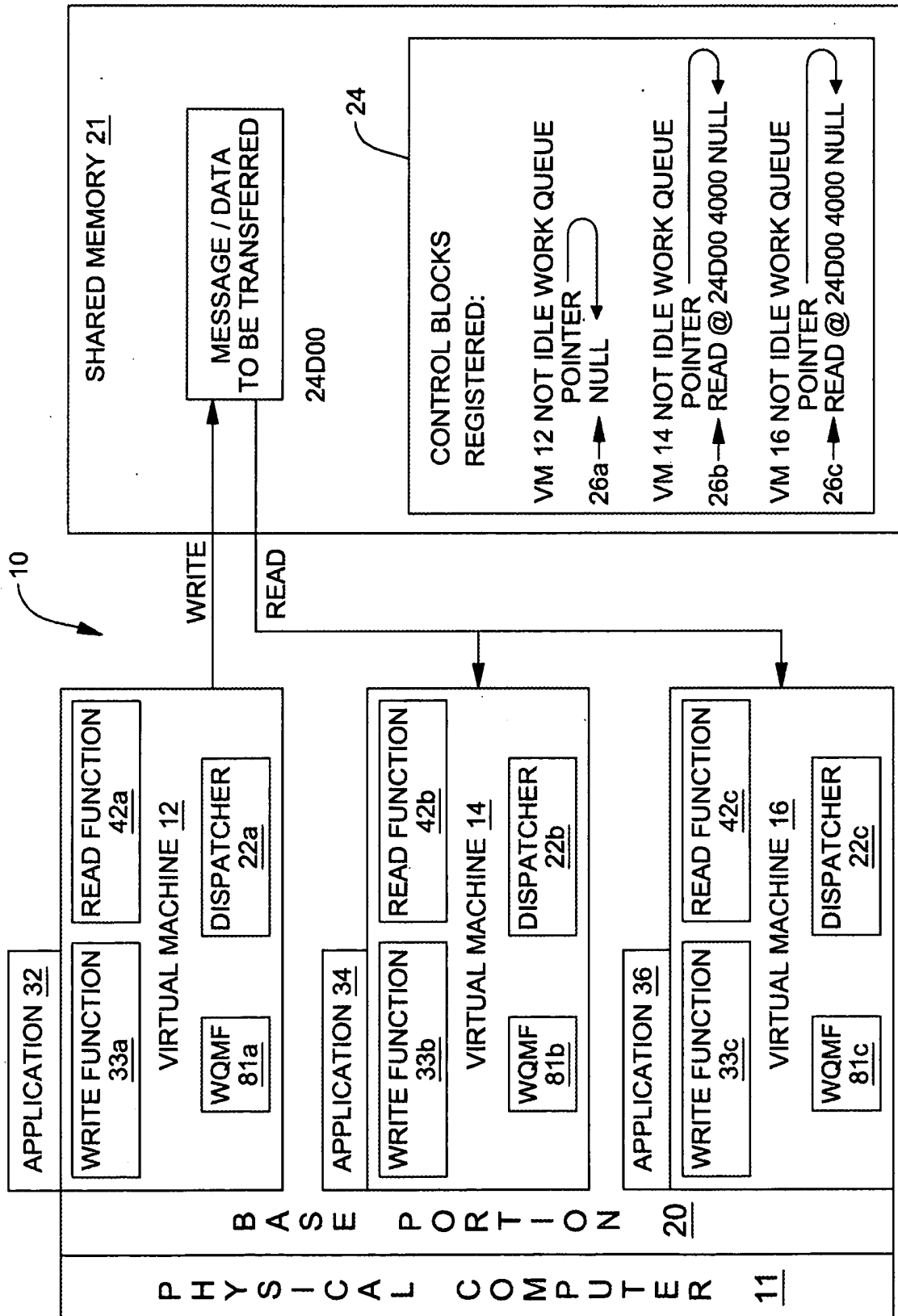


FIG. 1

2/6

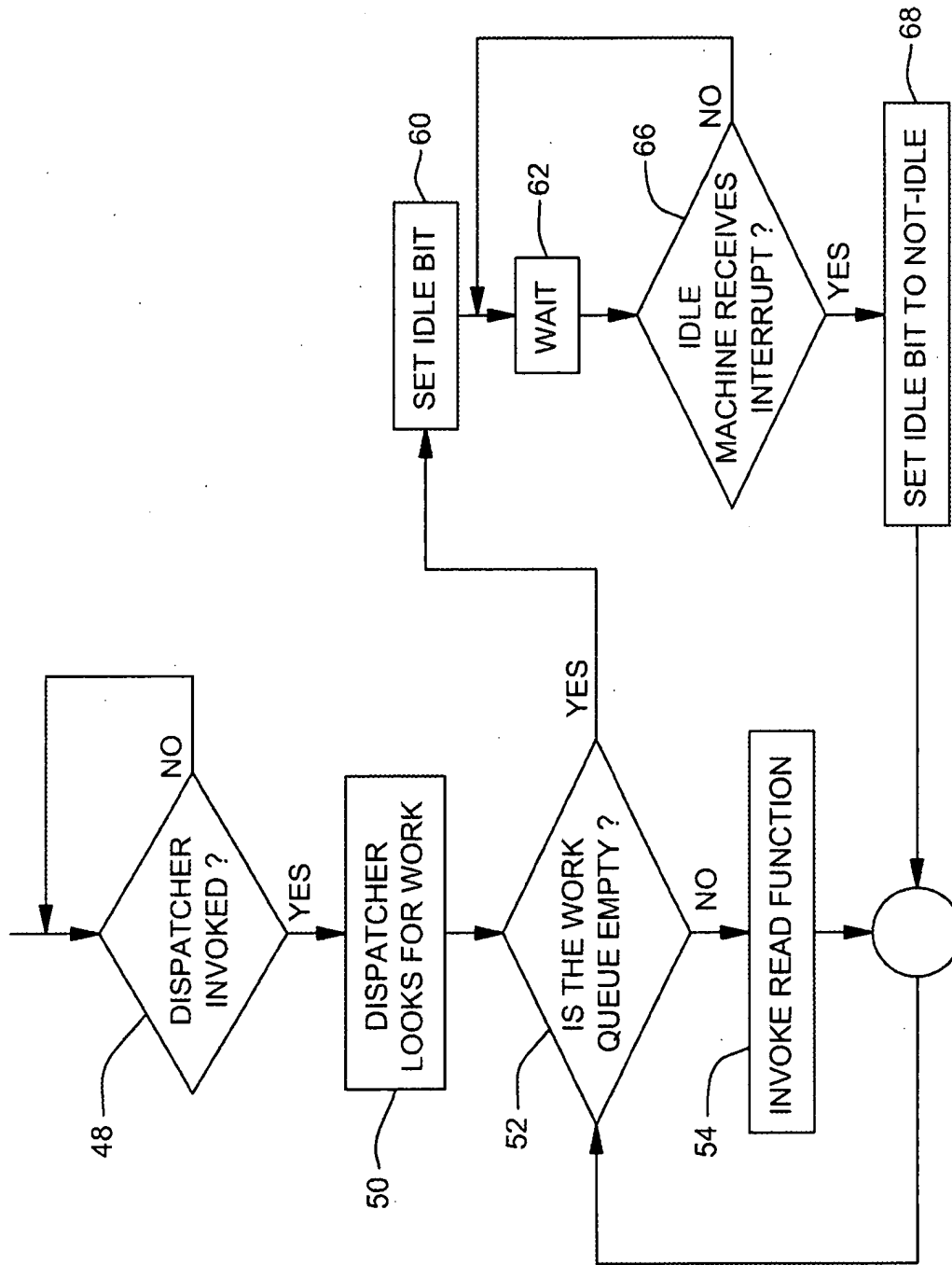


FIG. 2

3/6

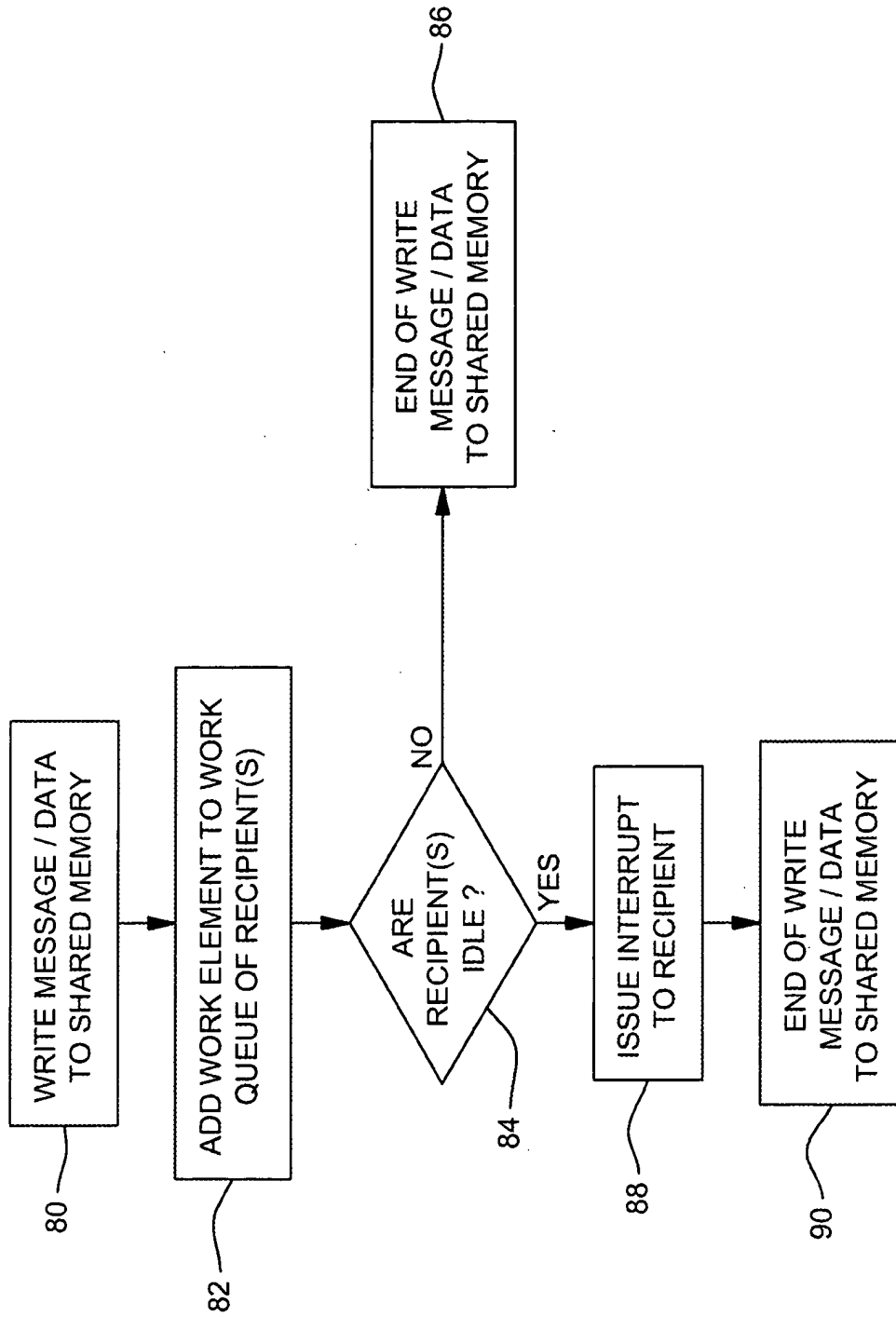


FIG. 3

4/6

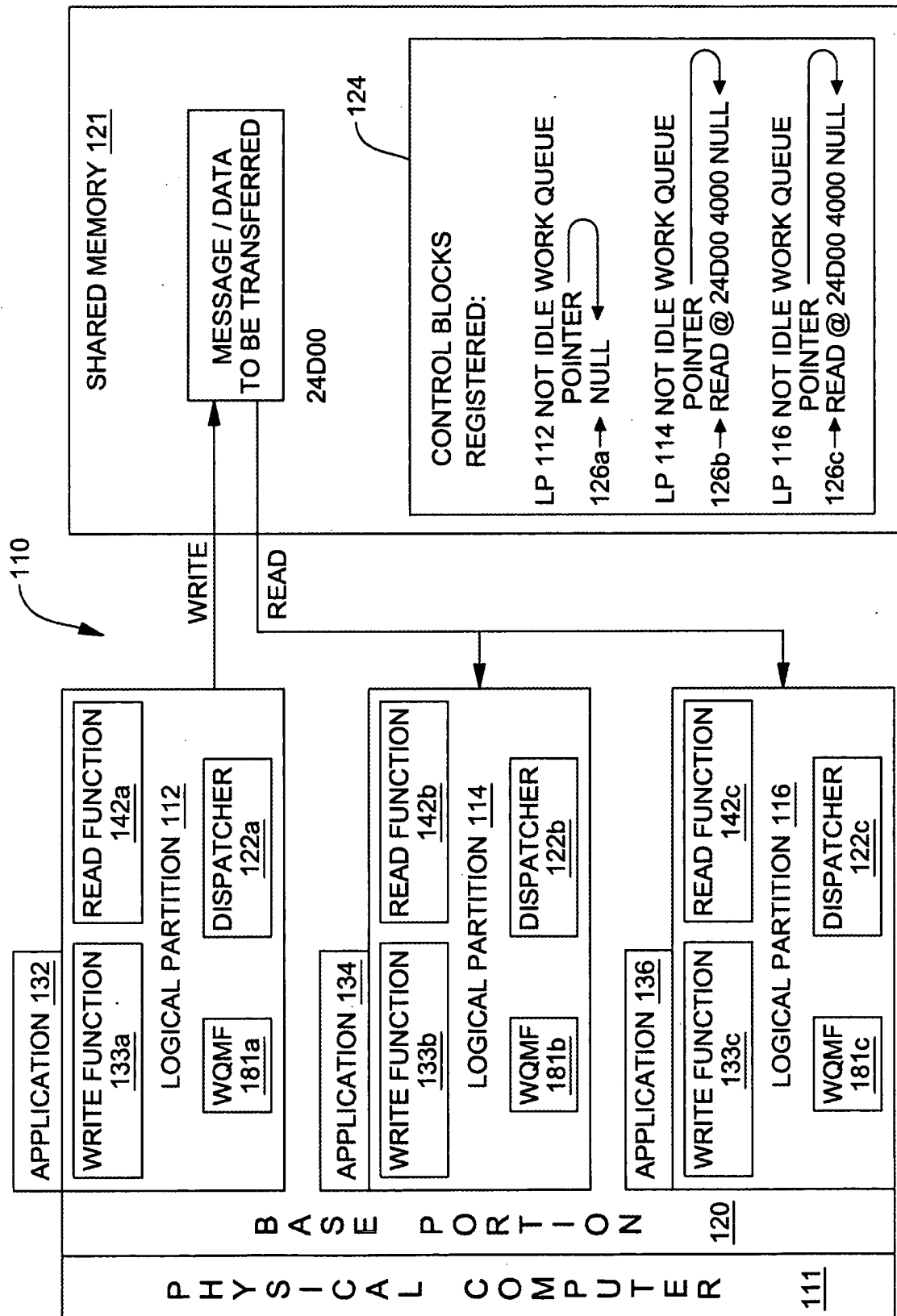


FIG. 4

5/6

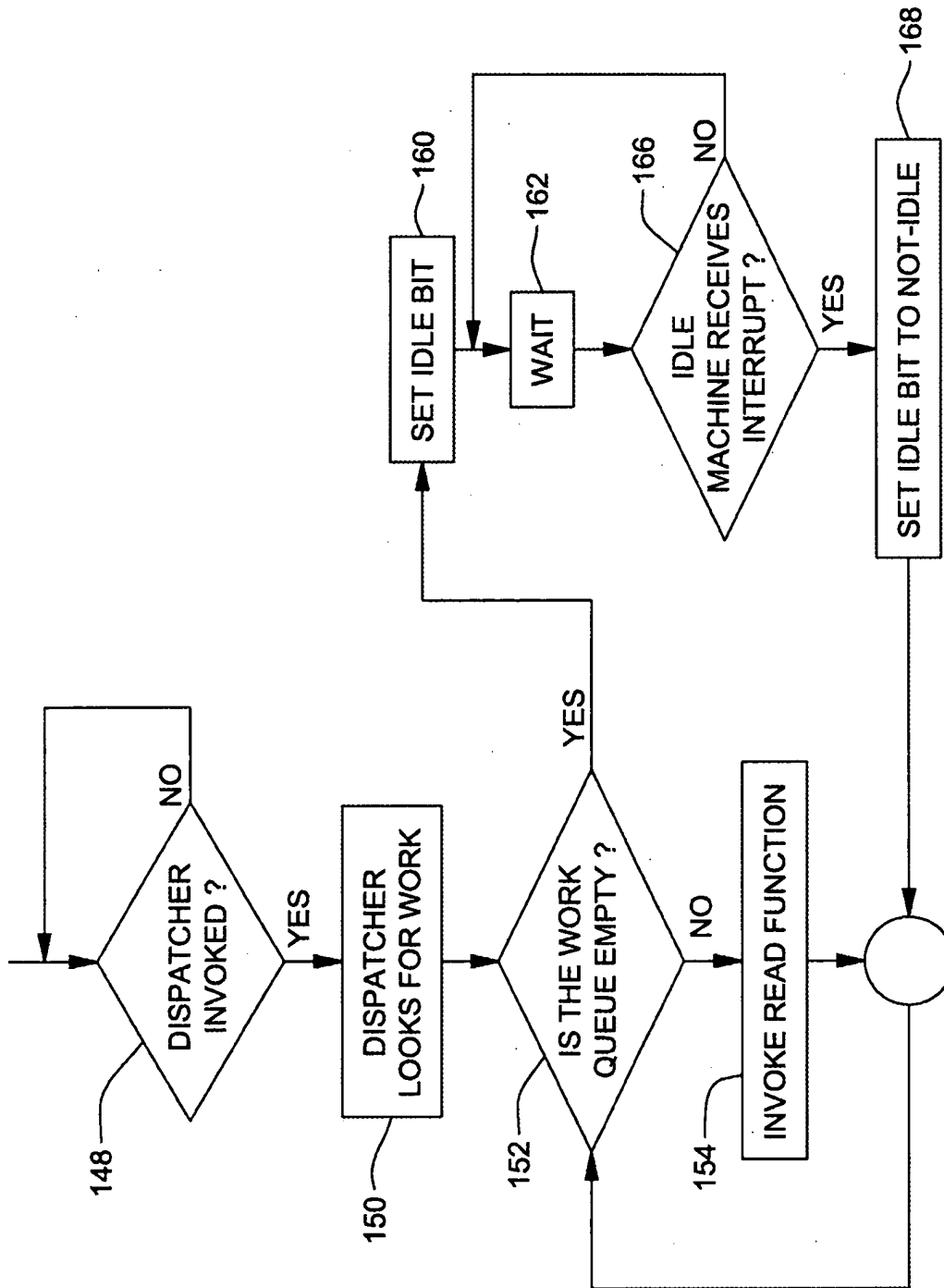


FIG. 5

6/6

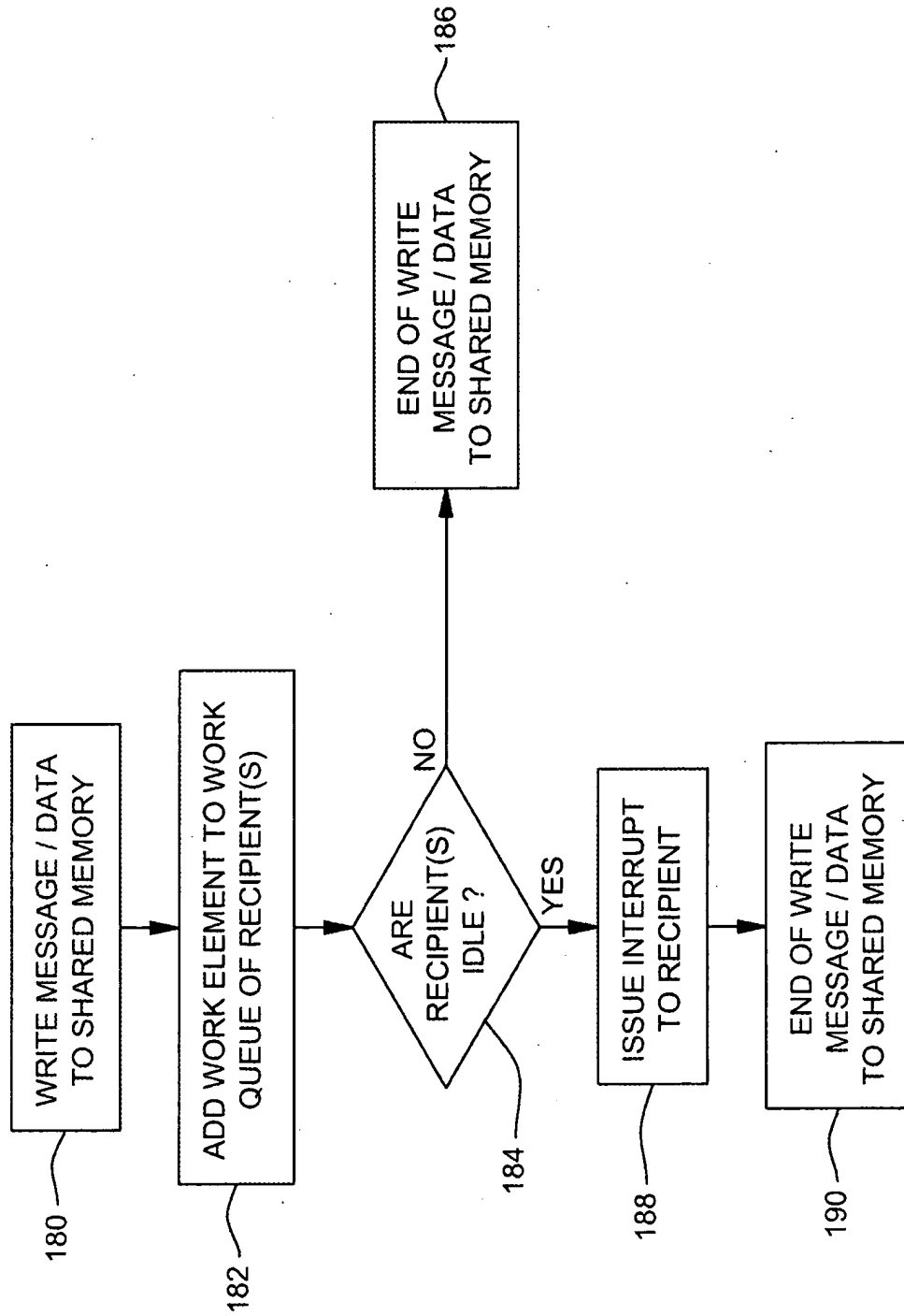


FIG. 6